

Haiti: Efforts to Restore President Aristide, 1991-1994

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Summary

The overthrow of Haiti's first democratically elected president in September 1991 propelled Haiti into its worst crisis since protests brought down the 29-year dictatorship of the Duvalier family in 1986. The leaders of the coup faced stronger international sanctions than did previous coup leaders in Haiti, largely because a democratic government was overthrown.

For more than three years, the regime resisted international demands that President Jean-Bertrand Aristide be restored to office. U.S. policy consisted of pressuring the de facto Haitian government to restore constitutional democracy to Haiti. Measures included: cutting off assistance to the Haitian government; imposing trade embargoes, as called for by the Organization of American States (OAS) and the United Nations (U.N.); supporting OAS and U.N. diplomatic efforts; and imposing sanctions targeted at the leadership blocking Aristide's return.

On September 18, 1994, when it learned that a U.S. military intervention had been launched, the military regime signed an agreement with the United States providing for Aristide's return. It also called for the immediate, unopposed entry of U.S. troops, a legislative amnesty for the military, and the resignation of the military leadership.

Under the protection of some 20,000 U.S. troops, President Aristide returned to Haiti on October 15, 1994, calling for reconciliation and an end to violence. On March 31, 1995, having declared that a "secure and stable environment" had been established, the United States transferred responsibility for the mission to the U.N.

During this period, the main U.S. foreign policy concern was the restoration of the democratic process to Haiti. Closely related to this was the issue of Haitians attempting to flee to the United States by boat. Congressional concerns focused on human rights, Haitian migration, socioeconomic conditions, and drug trafficking.

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Election and Overthrow of Aristide

Jean-Bertrand Aristide was elected to a five-year term as President of Haiti on December 16, 1990, in what is widely regarded as Haiti's first free and fair elections. He was inaugurated on February 7, 1991, raising hopes that Haiti would leave behind its authoritarian past. Eight months later, on September 30, 1991, Aristide was overthrown in a violent military coup. His ouster ushered in the seventh government since the downfall of the Duvalier dictatorship in 1986.

Aristide was elected president with approximately 67.5% of the vote, and was inaugurated on the fifth anniversary of the collapse of the 29-year Duvalier dictatorships. To his supporters, Aristide was a martyr, willing to risk his life to defend the poor. An advocate of "liberation theology," Aristide spoke out against Duvalier and the military rulers who followed him. In September 1988, an armed group attacked and burned Aristide's church, killing 13 and wounding 70; surrounded by his parishioners, Aristide escaped unharmed. To his detractors, Aristide was a potentially dangerous demagogue, whose inflammatory oratory they maintained encouraged the rampages, known as "*dechoukaj*," or uprooting in Creole, in which suspected Tontons Macoutes were attacked or killed by angry mobs. Aristide reportedly denies that his book, *100 Verses of Dechoukaj*, condones violence. Nonetheless, the Salesian religious order expelled him for preaching politics from the pulpit, including what the order called "class struggle."

When Aristide became a candidate, he toned down his revolutionary and anti-U.S. rhetoric. A 37-year-old populist Roman Catholic priest, he was the most controversial of 11 candidates ruled eligible to run by the independent Provisional Electoral Council. Aristide previously opposed democratic elections in Haiti, arguing that free and fair elections were impossible as long as Duvalierists still had a hold on economic and political power. Nonetheless, he joined the race in response to former Tontons Macoutes chief Roger Lafontant's potential candidacy.

Some observers believed that, when first in office, Aristide helped to polarize the situation in Haiti, by refusing to condemn violent acts of retribution, and holding out the threat of mob violence against those who disagreed with him. For example, Aristide at that time refused to condemn the practice of "Pere Lebrun", or burning someone to death with a tire necklace. He reportedly said that the practice was not barred by the constitution, and that, although he would eventually like to see the practice discontinued, its elimination was conditional on the eradication of corruption. After the former head of the Tontons Macoutes was put on trial and sentenced to life in prison, Aristide gave a speech in which he noted that without popular pressure and threat of "pere lebrun" in front of the courthouse, the life sentence—which is unconstitutional—would not have been given.¹ In exile, Aristide condemned the practice of necklacing.²

The coup began just four days after Aristide addressed the United Nations, an event he said marked the end of Haiti's dark past of dictatorship. When he returned to Haiti, Aristide gave a speech that observers viewed as threatening the bourgeoisie for not having helped his government enough. Some saw it as another factor leading to his overthrow days later, and say that members of that elite financially supported the coup leaders. There were at least 300 coup-related deaths, according to the State Department, but over 1500 according to Amnesty International.

President Aristide was faced with some of the most serious and persistent social, economic, and political problems in the hemisphere. After eight months in office, Aristide had received mixed

¹ Foreign Broadcast Information Service. Daily Report, Latin America, Aug. 8, 1991. p. 4-5. "President Aristide Addresses Youth Rally," August 5, 1991.

² Alexander Watson, Assistant Secretary of State for Inter-American Affairs at a briefing for the House Foreign Affairs Committee, Subcommittee on Western Hemisphere Affairs. Oct. 20, 1993.

reviews. He was credited with curbing crime in the capital, reducing the number of employees in bloated state enterprises, and taking actions to bring the military under civilian control. Some observers questioned the government's commitment to democracy, however. Neither Aristide nor his prime minister belonged to a political party, and leaders of other political parties criticized him for not reaching out and establishing a spirit of cooperation among the democratic elements. Many legislators, including some from Aristide's own coalition, protested the president's appointment of Supreme Court judges and ambassadors without consulting the Senate as required by the constitution. Aristide later agreed to consult the legislature, but relations between the two branches remained strained.

President Aristide was also criticized for his attitude toward the judicial system. Former Tontons Macoutes chief Roger Lafontant was tried in July for his role in the failed January 1991 coup attempt. Aristide called for a life sentence—which Lafontant received—though the constitution limited sentences to 15 years. Aristide declared the next day a national holiday. Many observers expressed concern over the trial, saying it differed little from trials under the Duvaliers—it lasted for over 20 consecutive hours, important witnesses were not called, and the court appointed five lawyer trainees to defend Lafontant because even his own lawyer felt it too dangerous to defend him.

Initially criticized for not having a clear economic development plan, by July the Aristide government presented a macroeconomic reform and public sector investment plan to representatives of several nations and international lending institutions, who lauded the plan and pledged \$440 million in FY1992 aid. Most of that aid was suspended because of the coup that overthrew Aristide's government. (For more information, see CRS Report 93-931, *Haiti: Background to the Overthrow of President Aristide*; CRS Report 94-852, *Haiti: Chronology of Its Troubled Path Toward Democracy*.)

Efforts to Restore Aristide

The overthrow of Haiti's first democratically elected president in September 1991 propelled Haiti into its worst crisis since protests brought down the 29-year dictatorship of the Duvalier family in 1986. The leaders of the coup faced stronger international sanctions than did previous coup leaders in Haiti, largely because a democratic government was overthrown. The United States, France and Canada, Haiti's largest foreign aid donors, suspended all aid to the Haitian government, as did Venezuela and the European Community (EC). Most international aid to Haiti had been only recently renewed, having been cut off when the 1987 elections were thwarted. Within two days of the coup, the Organization of American States (OAS) had demanded Aristide's immediate reinstatement; after meeting resistance from several powerful Haitian sectors, the OAS then imposed a trade embargo in early October 1991.

For more than three years, the regime resisted international demands that Aristide be restored to office. A week after sending President Aristide into exile, the military, led by General Cedras, pressured the legislature into appointing a figurehead president and prime minister. The regime blocked a February 1992 OAS-sponsored agreement between Haitian legislators and Aristide that called for his eventual return, and then proposed an alternative agreement that made no mention of Aristide. In June 1992, the government installed Marc Bazin, a conservative economist and Aristide rival, as prime minister, whereby the interim president stepped down, leaving the presidency vacant and Bazin to form a government.

The OAS became frustrated because neither the embargo nor diplomatic initiatives brought about a return to constitutional rule. The European Community could not agree on an embargo, and continued to ship goods to Haiti. Sporadic oil shipments, some at first linked to OAS members,

then from Europe, kept the country fueled. The embargo, however, did have a significant effect on Haiti's already impoverished population. According to one humanitarian assistance organization operating in Haiti, the situation after the coup deteriorated from extreme poverty to a state of virtual famine in some parts of the country.

The OAS's frustration led to the involvement of the United Nations. Special Envoy Dante Caputo, representing both the U.N. and the OAS, began discussions in December 1991. These led to the posting of an OAS/U.N. civilian observer mission to oversee the restoration of order and monitor human rights conditions.

As the *de facto* Haitian government resisted the call for Aristide's return, the international community responded with increased sanctions. On November 24, 1992, the U.N. General Assembly adopted a resolution urging member states to impose a trade embargo on Haiti as called for by the OAS in October 1991. On June 4, 1993, President Clinton imposed new sanctions, targeted at the Haitian leadership, and on June 23, the U.N. imposed a world-wide oil and arms embargo. These new sanctions, coupled with the resignation of Prime Minister Bazin on June 8, created the conditions for a new round of talks. In late June, Caputo held talks with both President Aristide and military chief General Cedras on Governors Island in New York. Although the two men did not meet face to face, they signed an agreement which called for Cedras' resignation and Aristide's return by October 30, 1993. (See Box, below, for details of agreement.)

Soon after sanctions were suspended, a small minority opposed to Aristide's return escalated their efforts to undermine the accord with politically motivated violence, including the murders of a prominent Aristide supporter and his justice minister. Caputo and others blamed police chief Michel Francois for much of the renewed violations of human rights. In October 1993, the U.N., OAS, and United States reimposed sanctions.

Many advocates of Aristide's return acknowledged concerns over Aristide's commitment to the democratic process, but argued that the international community had an obligation to restore a democratically elected head of state, as a matter of principle. If Aristide was found to be violating the constitution, they said, then the community should encourage Haiti to address the problem through the democratic process—including impeachment if necessary—rather than through a coup.

U.S. Policy After the Coup

Following the September 1991 coup in Haiti, the main U.S. foreign policy concern was the restoration of democracy. Closely related to this was the issue of Haitians attempting to flee to the United States by boat. Important questions for U.S. policymakers were whether the OAS and U.N. would be able to promote an enduring solution in Haiti, and whether these measures would be able to forestall Haitians attempting to flee to the United States. As the expanded embargo and diplomatic efforts did not force the *de facto* Haitian regime to allow Aristide's return to office, U.S. policymakers had to consider whether to continue the embargo, which many claimed was hurting Haiti's poor the most, take stronger action, such as military intervention, or disengage from Haiti. When Aristide's return was arranged, policymakers faced issues such as Aristide's personal security, the possibility of a violent popular backlash, and whether Aristide could govern effectively and democratically.

Under the Bush Administration, U.S. policy aimed at pressuring the regime through a trade embargo with the participation of other OAS members, the cutoff of U.S. aid to the regime, and support for diplomatic efforts through the OAS. Many observers believed that President Clinton intensified pressure on the Haitian regime and helped advance negotiations to restore democracy to Haiti. But after the Governors Island accord collapsed, pressure increased for a change in

policy. The Administration then took a tougher stance toward the military regime, imposing ever-stiffer sanctions, and ultimately ordering a military intervention to remove them. (For further background on U.S. policy considerations before President Aristide's return, see CRS Report 94-567, *Haiti's Political Crisis: U.S. Policy Options*.)

International Efforts to Restore Aristide

Immediately after Aristide's ouster in 1991, the George H. W. Bush Administration cut off aid to the government of Haiti. Humanitarian assistance, however, continued through private and voluntary organizations (PVOs). The United States followed through with the embargo and banned almost all trade with Haiti. At first, the only embargo exceptions were for humanitarian aid, such as medicine and food, but in February 1992 the Bush Administration lifted the embargo for some assembly plants. In May 1992, in response to the regime's refusal to cooperate with the OAS-brokered agreement, the OAS voted to tighten its trade embargo against Haiti by barring from all ports in the hemisphere ships from OAS member countries that violated the embargo by running oil and other commercial goods to Haiti. The Bush Administration soon took action to comply with the tightening of the sanctions, and prohibited ships that stopped in Haiti from entering the United States without prior authorization.

In August 1992, the OAS initiated new diplomatic efforts to try to resolve the political crisis. A delegation led by OAS Secretary General Joao Baena Soares visited Haiti to "promote a dialogue leading to the resumption of the Haitian democratic process." This led to talks between representatives of Aristide and the *de facto* regime, which resulted in a September 1992 agreement for an 18-member (subsequently reduced to 16 member) OAS civilian mission to be sent to Haiti. The civilian mission was supposed to have responsibility for monitoring the human rights situation, the effects of the embargo, the delivery of humanitarian aid, and for evaluating prospects for negotiations for a political settlement of the crisis.

After President Clinton took office, he reiterated U.S. support for Aristide's return as president, while also acknowledging that when in power, Aristide made statements that "caused people in the military and others to have fear for their personal security, in ways that are inconsistent with running a democracy." In early February 1993, Secretary of State Christopher sent a warning to the Haitian military and *de facto* regime by stating that "those who hold illegal power there should know that they are swimming against the tide of history and they will not prevail."^{3 4}

In December 1992, the U.N. had become involved in diplomatic efforts when the OAS passed a resolution authorizing the OAS Secretary General to explore with the U.N. Secretary General ways to resolve peacefully Haiti's political situation. As a result, U.N. Special Envoy Dante Caputo held meetings in Haiti beginning in mid-December. After some vacillation, the *de facto* Haitian regime agreed on February 9, 1993 to accept an OAS/U.N. observer mission. The observers were to establish monitoring posts throughout the country to observe the human rights situation, and work at facilitating negotiations to bring about the eventual return of Aristide. The agreement was hailed by Secretary of State Warren Christopher as a breakthrough for U.N. mediation efforts; the Clinton Administration pledged \$2 million to support the mission. It was hoped that the mission's success might lead to a decrease in repression and progress in negotiations and then to the gradual lifting of the embargo against Haiti.

³ Preston, Julia. "Haiti Agrees to Monitoring by U.N., OAS." *Washington Post*, Feb. 10, 1993. p. A28.

⁴ Alexander Watson, Assistant Secretary of State for Inter-American Affairs at a briefing for the House Foreign Affairs Committee, Subcommittee on Western Hemisphere Affairs. Oct. 20, 1993.

Negotiations faltered in the spring. Some analysts said military leaders were emboldened to reject two proposals because they believed that international threats lacked credibility, and were reluctant to give up the income many in the military were reportedly making from trafficking in drugs and contraband.

In March 1993, President Clinton met with President Aristide, and committed the United States to contributing its “fair portion” of a five-year, \$1 billion program to rebuild Haiti’s economy. President Clinton also named Lawrence Pezzullo special adviser to Haiti.

The Clinton Administration was criticized for not moving swiftly or strongly enough to ensure Aristide’s return to office. Some Members, especially some members of the Congressional Black Caucus, expressed dismay that the Administration did not respond with stronger measures when the Haitian military rejected the plan that included amnesty in April 1993. The Administration contended that there was still room for negotiations, and that they were using a slower “carrot-and-stick” approach, combining pressure with offers of future aid.

On June 4, 1993, however, the Clinton Administration imposed further sanctions targeted at Haitian leaders. Members of the military, the civilian government, and the private sector who supported the coup were prohibited entry into the United States, and, along with the Central Bank and other institutions, had their U.S. assets frozen. The Administration continually expanded the list of those subject to targeted sanctions for “obstructing the restoration of democracy in Haiti” or contributing to its general climate of violence. It also encouraged other countries to impose similar sanctions.

On June 6, 1993, the OAS called for reenforcement of its embargo by the U.N. and proposed suspending commercial flights to Haiti. On June 16, the U.N. Security Council voted unanimously to impose a global oil and arms embargo on Haiti, and to freeze Haitian government assets around the world. The U.N. sanctions took effect June 23. These sanctions seemed to have their desired effect: General Cedras agreed to go to New York to discuss a settlement to the crisis. Caputo mediated the agreement between Cedras and Aristide, who did not meet face to face while at Governors Island.

The Governors Island Agreement

These are the steps for restoration of democracy in Haiti agreed to by armed forces chief General Raoul Cedras and President Jean-Bertrand Aristide on July 3, 1993.

- 1. Representatives of all the political parties of parliament and members of Aristide's negotiating commission, establish a "political truce" and agree on a legitimate parliament.**
- 2. Aristide nominates a prime minister.**
- 3. The reconstituted parliament confirms the prime minister, who then assumes office.**
- 4. Once a prime minister takes office, economic sanctions against Haiti are "suspended" by the United Nations and the Organization of American States.**
- 5. The international community launches a program of technical assistance to promote development, administrative and judicial reform, the modernization of the Haitian army and the creation of a new police force with the help of U.N. personnel.**
- 6. Aristide grants an amnesty for political crimes in relation to the September 1991 coup, as allowed by Article 147 of the Haitian constitution.**
- 7. Parliament adopts a law establishing a new police force. Aristide appoints a new police commander.**
- 8. Cedras accepts early retirement as army chief. Aristide appoints a new military commander-in-chief, who, in turn, shall appoint members of the high command, as per the constitution.**
- 9. Aristide returns as president of Haiti on October 30, 1993.**
- 10. The United Nations and Organization of American States take responsibility for verifying compliance with the accord.**

Source: *Miami Herald*. July 4, 1993. p. 18A.

The agreement they signed on July 3, 1993, outlined a 10-step process leading to Aristide's return to Haiti as president on October 30, 1993. Cedras was to step down as head of the army, accepting "early retirement," and Aristide was to appoint a new commander-in-chief, who would then appoint members of the high command. Aristide agreed to grant a political amnesty to Cedras and the coup leaders; it would not shield them from individual criminal prosecution, however. Once the reconstituted parliament confirmed Robert Malval as Aristide's prime minister in late August, the OAS, U.N., and United States suspended their sanctions. The international community was to begin its promised five-year, \$1 billion dollar development program, whose economic and technical assistance included job-creating programs, administrative and judicial reform support, modernization of the Haitian army, and a security team to direct the development of a new civilian-controlled police force.

The U.S. sanctions were suspended in August 1993 after the first steps of the Governors Island accord were taken. Once sanctions were lifted, however, violence increased, and the military began to show signs of intransigence. In September 1993, paramilitary forces known as *attaches* threatened Malval, several members of his new cabinet, and OAS/U.N. envoy Caputo; attacked an elected official trying to resume office, and assassinated a prominent Aristide supporter, Antoine Izmary. On October 11, an angry mob of Haitians refused to allow a U.S. ship to dock and threatened the top U.S. official in Haiti as Haitian soldiers stood by. The ship, which the military had promised to allow to dock, carried 200 U.S. soldiers and 25 Canadian military trainers who were to be part of a 1300-member U.N. military and police observing and training team agreed to under the Governors Island accord.

Many analysts believe that the decision to pull that ship, the U.S.S. *Harlan County*, out of Haiti destroyed U.S. credibility and emboldened the Haitian regime to dig in its heels. On October 14,

1993, President Aristide's new Minister of Justice, Guy Malary, was assassinated by gunmen in what many viewed as defiance of President Clinton's warning less than two hours earlier that the United States would hold the Haitian military responsible for the safety of the new civilian government appointed by Aristide. Malary was writing the legislation to put the police under civilian, not military control when he was killed. The OAS and U.N. withdrew their 250-member international civilian mission, stating that the observers did not have a minimal guarantee of their personal security. The OAS and the United States reimposed their trade embargoes, and the U.N. its oil and arms embargo, which took effect October 18, saying the sanctions would not be canceled until Aristide was restored to office. International ships, including six U.S. warships, began patrolling Haitian waters to enforce the U.N.'s embargo.

President Clinton reported to Congress on October 20, 1993, the deployment of the U.S. Navy ships. According to the letter, which the President indicated was "consistent with the War Powers Resolution," the U.S. forces would "remain prepared to protect U.S. citizens in Haiti, and act in cooperation with the U.S. Coast Guard" to support the interdiction of Haitian migrants as may be necessary. The President further stated that "the United States strongly supports the Governors Island Agreement and restoration of democracy in Haiti" and that the measures to deploy U.S. forces "are consistent with United States goals and interests and constitute crucial support for the world community's strategy to overcome the persistent refusal of Haitian military and police authorities to fulfill their commitments under the Governors Island Agreement."

Meanwhile, Congress was debating the merits of a possible U.S. military intervention in Haiti. Some Members wished to prohibit such U.S. involvement without specific approval from Congress. Others, while not necessarily in favor of U.S. military intervention, did not want to limit the President's decision-making ability. On October 21, 1993, the U.S. Senate defeated (by a vote of 81-19) an amendment introduced by Senator Helms to the Department of Defense appropriations bill, H.R. 3116, that would have barred the U.S. deployment of troops to Haiti without prior congressional authorization unless U.S. citizens were endangered or had to be evacuated. Instead, the Senate approved (by a vote of 98-2), an amendment offered by Senator Mitchell (based on a compromise with Senator Dole), that urged President Clinton to seek congressional authorization before committing U.S. troops.

The United States, France, Canada and Venezuela gave Haiti until January 15, 1994 to meet the conditions of the Governors Island accord, after which they said they would recommend that the U.N. Security Council consider increased sanctions, including imposing a global total trade embargo. The deadline passed without the military meeting any of the conditions. But rather than impose new sanctions, the "four friends" of Haiti instead called for Aristide to first appoint a new prime minister. Aristide rejected the plan, reportedly saying the international community was acting in "complicity" with the military regime in delaying his return. The agreement set no date for the military to relinquish power to Aristide, and dropped the provision included in the earlier Governors Island accord that called for an international mission to oversee the professionalization of the Haitian armed forces.

Following harsh criticism of that strategy, in May 1994, the White House shifted to a policy of increasing pressure on the Haitian military without asking Aristide to make further compromises first. The White House also shifted its immigration policy. Special Envoy Pezzullo resigned and was replaced by William Gray, a former Congressman who had once headed the Congressional Black Caucus. The White House orchestrated increased sanctions: on May 6, 1994, the U.N. Security Council voted unanimously to impose an almost total trade embargo on Haiti. The only exceptions were for food, medicine, and cooking fuel. The resolution gave Cedras, his deputy Gen. Philippe Biamby, and Port-au-Prince police chief Lt. Col. Michel Francois 15 days, until May 21, to step down, before the embargo went into effect.

Other U.N. sanctions barred all military officers, key civilian supporters, and their families—about 600 people—from traveling outside Haiti, and prohibited private plane flights in and out of Haiti. The resolution “urged” a worldwide freeze on the assets of military leaders and their allies, stopping short of making it mandatory because the laws of some nations, including Britain, precluded it. The new sanctions were not to be lifted until the military leaders had left, the army and police commands had been reformed, the legislature had adopted a political amnesty, and Aristide had returned to office.

Falling under Chapter VII of the U.N. Charter, the resolution allowed for enforcement by military action. The Dominican Republic’s president, Joaquin Balaguer, had reportedly stationed 10,000 soldiers along the border with Haiti to help stave the massive smuggling which had made the oil embargo ineffective. Some observers were concerned that Balaguer was cooperating on enforcing the embargo in hopes of reducing U.S. calls for investigations of fraud charges in May 1994 elections which Balaguer claimed to have won by a small margin. Both governments denied any such accommodation had been made.

President Clinton expanded U.S. sanctions twice on June 12, 1994, he barred most private financial transactions and, effective June 25, commercial air travel between the two countries; on June 21, he froze the U.S. assets of all Haitians still residing in Haiti. The Administration also strengthened its rhetoric, saying it could not rule out the use of force to oust the Haitian military regime.

The Haitian regime ordered the expulsion of the OAS/U.N. human rights monitoring mission from Haiti on July 11, 1994. The monitors began leaving soon after that date.

On July 31, 1994, the Administration helped push through a U.N. resolution authorizing member nations “to form a multinational force...and to use all necessary means to facilitate the departure from Haiti of the military leadership, ...and the prompt return of the elected President...,” with participating countries bearing the cost of the operation. About 20 countries initially agreed to join such a force, including Argentina, Bangladesh, Belgium, Bolivia, Britain, nine Caribbean states, the Netherlands, and Panama. Jamaica, Barbados, Belize, and Trinidad and Tobago agreed to contribute support personnel to the intervention force. France and Canada, who worked with the United States in pressuring the Haitian regime, declined to participate in an invasion force.

Deputy Secretary of State Strobe Talbott and Deputy Defense Secretary John Deutch stated on August 31 that U.S. troops were definitely going to Haiti, either to provide security for a returned Aristide government, or, if the military refused to step down, to help remove them. U.S. officials gave no deadline for the Haitian military to step down at that time.

In the face of strong bipartisan sentiment against an invasion, President Clinton addressed the nation on September 15, 1994, to encourage greater support for the planned invasion. He told the Haitian dictators: “Leave now, or we will force you from power.” He defined U.S. interests in restoring the democratically elected government in Haiti as: “... to stop the brutal atrocities that threaten tens of thousands of Haitians, to secure our borders, and to preserve stability and promote democracy in our hemisphere, and to uphold the reliability of the commitments we make and the commitments others make to us.”

The next day, the President announced that a delegation headed by former President Jimmy Carter was going to Haiti in a last-ditch effort to avoid military intervention. Accompanying Carter were Senator Sam Nunn and General Colin Powell. Haiti’s military leadership finally agreed to step down voluntarily late on September 18, when they heard that the President had already given the order for an invasion to begin and U.S. planes were on their way to Haiti. The new agreement called for Cedras’ resignation by October, and the immediate deployment of the

U.S. military mission to ensure a transition to a restoration of the democratically elected Aristide government. (See box below for details of agreement.)

An Agreement Reached in Port-Au-Prince, Haiti

September 18, 1994

- 1. The purpose of this agreement is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the Governments, people, and institutions of Haiti and the United States.**
 - 2. To implement this agreement, the Haitian military and police forces will work in close cooperation with the U.S. military Mission. This cooperation, conducted with mutual respect, will last during the transitional period required for insuring institutions of the country.**
 - 3. In order to personally contribute to the success of this agreement, certain military officers of the Haitian Armed Forces are willing to consent to an early and honorable retirement in accordance with U.N. Resolutions 917 and 940 when a general amnesty will be voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier. The parties to this agreement pledge to work with the Haitian Parliament to expedite this action, their successors will be named according to the Haitian Constitution and existing military law.**
 - 4. The military activities of the U.S. Military Mission will be coordinated with the Haitian military high command.**
 - 5. The economic embargo and the economic sanctions will be lifted without delay in accordance with relevant U.N. Resolutions and the need of the Haitian people will be met as quickly as possible.**
 - 6. The forthcoming legislative elections will be held in a free and democratic manner.**
 - 7. It is understood that the above agreement is conditioned on the approval of the civilian governments of the United States and Haiti.**
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In a speech to the U.N. on September 26, 1994, President Clinton announced he was lifting unilateral U.S. sanctions against Haiti, except those applying to Haitian leaders. This restored commercial air flights and financial transactions between the two nations. There were reports that the President had approved \$5 million for covert CIA operations to protect U.S. troops from hostile Haitian military activity and to disseminate pro-Aristide propaganda. The U.N. voted to lift sanctions against Haiti the day after President Aristide returned to Haiti. (For more information, see CRS Report 94-681, *Haiti: U.N. Security Council Resolutions, Texts and Votes—1993-1994*.)

Multinational Military Intervention

U.S. forces landed in Haiti on September 19, 1994 to oversee a transition to the return of the democratically elected Aristide. They operated under a last-minute agreement with the Haitian *de facto* regime that barely averted an invasion, and U.N. Security Council Resolution 940 authorizing a multinational force. By September 30, almost 20,000 U.S. troops were in Haiti as part of “Operation Uphold Democracy.” Some 29 other nations eventually contributed about 4,105 military, police, and technical personnel. Once U.S. troops established a “safe and secure environment,” responsibility for the mission was to be turned over to the U.N.

Both the House and the Senate approved a measure (P.L. 103-423, signed October 25, 1994) stating that the president should have sought congressional authorization before sending U.S. forces to Haiti. The measure avoided approving or disapproving the deployment, but said the troops should be withdrawn as soon as possible.

After U.S. forces were criticized for standing by as Haitian police beat pro-American demonstrators, and for saying U.S. forces had no role in halting Haitian-on-Haitian violence, U.S. military leaders changed their policy and announced that troops were authorized to stop such violence. The mission then shifted from one of working with the Haitian army to one of bringing the army under control. Its most powerful unit was disarmed and disbanded; the heavy weapons unit had been involved in the coup that overthrew Aristide in September 1991. In their first months in Haiti, U.S. troops also disarmed the headquarters of the violent paramilitary group, the Front for Advancement and Progress in Haiti, or FRAPH, and conducted a weapons “buy-back” program.

Under U.S. security, the Haitian parliament met for the first time in 18 months. On October 7, it passed a political amnesty for the Haitian army. Aristide reportedly said that army officers would still face charges for crimes against humanity. The military regime that had ruled Haiti since Aristide’s ouster left the country: military chief Cedras and his chief of staff, Philippe Biamby, were taken to Panama by a U.S.-provided airliner on October 13; police chief Michel Francois fled to the Dominican Republic October 4. The United States agreed to release the Haitian military leaders’ frozen assets, reportedly allowing all three access to millions of dollars accrued during their oppressive tenure.

After three years in exile, President Aristide returned to office in Haiti on October 15, 1994, calling for reconciliation and an end to violence. Several months later the United States declared that a “secure and stable environment” had been established. President Clinton flew to Haiti to oversee the transfer of responsibility from the U.S.-led multinational force to the U.N. Mission in Haiti on March 31, 1995.

Congressional Concerns During Aristide’s Exile

Human Rights

During Aristide’s absence, the human rights situation in Haiti deteriorated significantly, according to reports by human rights groups and by the U.S. Department of State, with Aristide supporters, members of grassroots organizations, and journalists frequently targeted. In August 1992, Amnesty International reported that “the security forces and the thousands of civilians acting in collusion with them carry out a wide range of abuses with total impunity. The old repressive structures, which the deposed [Aristide] government had partly succeeded in dismantling, are back in place.” Of particular concern was the paramilitary group, the Front for Advancement and Progress in Haiti, or FRAPH. U.N./OAS human rights observers in Haiti blamed FRAPH for much of the violence directed against Aristide supporters. FRAPH, which called itself a political party, reportedly had offices in New York and Miami. In May 1994, a revival of the Tontons Macoutes, the Duvaliers’ secret police-type organization, was announced.

In 1994, human rights abuses by the military and its supporters increased and became particularly gruesome, with a wave of mutilations of victims of extrajudicial executions and politically motivated rapes. In July 1994, the military regime ousted the UN/OAS’s joint human rights monitoring mission, which had reported widespread violations of human rights abuses since 1993. The ranking UN human rights official in Haiti reportedly said, “We feel there is a deliberate policy [on the part of the army and its allies] to eliminate Aristide partisans, to break the back of the pro-democracy movement and to terrorize the population.”⁵ In a September 13 report, the

⁵ Marquis, Christopher. “Aristide Move Undermines Legal Basis for Repatriation.” *Miami Herald*, Apr. 7, 1994. p.

State Department said, “The military and the *de facto* government promote repression and terror, sanctioning widespread assassination, killing, torture, beating, mutilation and rape.”⁶

For decades, the Haitian army had been responsible for widespread human rights violations. Under the military-dominated interim governments after the fall of the Duvalier dictatorship in 1986, the army frequently impeded the democratic process. Since the departure of the last military dictator in March 1990, however, some observers believed there had been a transformation of the army to one supportive of democracy. Throughout the 1990 electoral process, the 7,000-man army proved itself capable of establishing and maintaining order. Initially, the army accepted Aristide’s assertion of authority, including his purge of the Haitian army high command. Brig. General Raoul Cedras, who oversaw security for the December elections and was named commander-in-chief by Aristide, was reportedly a reluctant participant in the initial coup. But as its spokesman, he said Aristide was ousted for “meddling in army affairs,” and he led the military regime during its three-year rule.

When it first took office, the Aristide government was expected to meet resistance from the army in its attempts to implement provisions of the Haitian constitution that impose civilian authority over the military. For example, the constitution calls for the separation of the police from the army, with the police under the command of the Ministry of Justice, not the army. The law also mandates that cases involving military abuses against civilians be tried in civilian courts, not by the military. The military had resisted previous efforts to execute those laws. No military personnel were prosecuted for human rights abuses under any of the interim governments. Aristide was trying to attack corruption, carry out reforms in the army, and create a civilian police force when he was overthrown. These changes were to be attempted again under the Governors Island agreement. Many believe that it was resistance to reform, as well as suppression of resistance, that led to the upsurge in violence following the signing of the Governors Island accord, and contributed to the army’s opposition to Aristide’s return.

Haitian Migration

The U.S. policy of interdicting Haitian migrants on the sea was severely criticized after the September 1991 coup. The interdiction policy was based on a bilateral agreement negotiated between the Reagan Administration and the Duvalier government in September 1981 that permitted the U.S. Coast Guard to interdict boats on the high seas and to return undocumented passengers to Haiti. Haiti was the only country with which the United States had such an agreement. From September 1981 through October 1990, the Coast Guard interdicted 22,651 Haitians at sea. During those nine years, fewer than a dozen Haitians were allowed into the United States to apply for asylum. The year 1990 saw the lowest level of interdictions in seven years, and the Coast Guard reported that, during some months of Aristide’s 1991 term, they did not encounter a single Haitian refugee boat. Both Haitian and U.S. officials reportedly attributed this to the new hope Haitians had for improved conditions under the newly elected government. After Aristide’s ouster on September 30, 1991, the exodus rose sharply.

During Aristide’s exile, 66,954 Haitians were interdicted by the U.S. Coast Guard. For the first six months after the coup, the U.S. Coast Guard took the Haitians to the U.S. naval facility in Guantanamo Bay, Cuba, where the U.S. Immigration and Naturalization Service conducted pre-screening interviews. More than 10,000 of those pre-screened, or about 30%, were allowed to go to the United States to seek asylum. On May 24, 1992, however, President Bush ordered the

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⁶ U.S. Department of State. “Human rights in Haiti.” Sept. 13, 1994, p. 1.

interception and immediate return to Haiti of all Haitians in boats on the high seas without pre-screening them to see if they might be eligible for asylum. Instead, Haitians could apply for refugee status at the U.S. Embassy. President Clinton, who during the campaign said Haitians would not be turned back without a hearing, continued the forced repatriation policy, which the Supreme Court upheld in June 1993.

Debate over the interdiction policy centered on several issues. The most important question was the cause of the Haitians' flight. The George H. W. Bush Administration had argued that the majority were fleeing poverty, and were therefore ineligible for political asylum. Refugee advocates argued that many were likely to face political persecution at home from the military-dominated government and that conducting inadequate or no interviews resulted in returning many who might have had legitimate claims to refugee status. According to human rights organizations, the human rights situation deteriorated significantly following the coup.

Another important question was whether those returned to Haiti were facing persecution. According to the Department of State's 1992 human rights report, U.S. officials monitored more than 3,000 repatriates in 1992 "without finding a single credible claim of mistreatment or retribution against any Haitian for having attempted to leave Haiti." The report also noted that "repatriated Haitian boat people do face, of course, the same harsh conditions and lawlessness facing Haitians in general." Human rights groups maintained that it was extremely dangerous and difficult to investigate claims of persecution, and contended that INS efforts to interview repatriates were deeply flawed. They also argued that it was unsafe to apply for asylum in Haiti. In March 1993, a navy deserter granted refugee status by the U.S. embassy was arrested by the Haitian military as he was escorted by U.S. diplomats to a U.S.-bound plane. After the Administration protested, Haitian authorities released the man.

Some Members of Congress and others expressed concern that there was a perceived element of racism in U.S. refugee policy toward Haiti. Very few Haitians seeking asylum were granted it, in contrast to the almost automatic granting of permanent residence to Cubans (due in large part to the Cuban Adjustment Act of 1966). Some critics argued that failure to give Haiti the same designation "of special humanitarian concern" given Cuba, considering Haiti's decades-long record of oppression, was a racist action. In addition, refugee advocates argued that the policy violated a U.N. convention prohibiting all countries from sending back to a country persons who have legitimate claims of political persecution.

As human rights violations grew worse in Haiti, President Aristide apparently became increasingly uncomfortable with the forced repatriation policy. In early April he called the policy racist and gave the six months' notice needed to abrogate the migration agreement effective October 4, 1994. The U.S. Coast Guard continues to stop Haitian boats, however, on the grounds of intercepting ships deemed unseaworthy. In the months following Aristide's return to Haiti in October 1994, the number of Haitians intercepted at sea was deemed "minuscule" by the State Department.

Clinton Administration Migration Policy

Reversing his campaign position, President Clinton continued the Bush Administration's policy of interdicting and immediately returning Haitians found at sea. During that time he increased the number of U.S. officials in Haiti in order to speed up the processing of asylum applications there. He also supported OAS and U.N. efforts to promote a political settlement in Haiti, maintaining that these efforts would help eliminate the reasons for Haitians fleeing the country.

As violence intensified in Haiti, however, so did criticism of President Clinton's migration policy. Some Members of the U.S. Congress were arrested protesting the forced repatriation policy

outside the White House, and activist Randall Robinson went on a hunger strike until the policy was reversed. On May 8, 1994, the Administration announced that it would set up immigration centers on ships anchored near Haiti or in third countries so that Haitians interdicted at sea could apply for asylum. On July 5, the Clinton Administration shifted its policy again, announcing that processing for refugee status would no longer be conducted. Instead, Haitian migrants interdicted at sea would be taken to the U.S. naval base at Guantanamo Bay, Cuba, and then sent to other countries in the region providing temporary safe haven. The flow of Haitian migrants lessened after the new policy was announced, and most interdicted Haitians remained at Guantanamo. At its peak, in late summer 1994, about 14,300 Haitians were living in “safe haven” camps at Guantanamo Bay.

Two months after Aristide’s return, on December 29, 1994, the Administration called on Haitians at safe haven camps at the U.S. naval base at Guantanamo Bay, Cuba, to return to Haiti.

Socioeconomic Conditions

Even before the embargo, Haiti was one of the poorest countries in the world. Living conditions for the poor majority in Haiti have not changed significantly in many decades. National income per capita is \$370, and about half the population is unemployed. The vast majority of Haiti’s 6.3 million people live in absolute poverty and about 47% of the adult population is illiterate. Only 43% of the population has access to safe water. Infectious disease is widespread among the poor. More than half the population reportedly suffers from malnutrition. The infant mortality rate is 95 per 1,000 births. Life expectancy is about 54 years (compared to 76 years in the United States). Only one-third of Haitian soil is cultivable, yet some 70% of the population depends on agriculture. Engaged in small-scale, subsistence farming, peasants with unclear titles to the land earn an average annual per capita income of \$150. Overpopulation and overcultivation of arable land have led to considerable deforestation and erosion, a process exacerbated by embargo-driven fuel shortages. Disorder and labor strikes before and since Duvalier’s departure have led to significant economic deterioration and the collapse of the once-important tourism industry. In the past, foreign manufacturers successfully recruited and trained Haitian work forces, but the U.S. and U.N. Embargoes closed down most export assembly plants.

Many reports indicate the OAS and U.S. embargoes had a devastating economic and ecological impact on Haiti. An estimated 150,000 jobs were initially lost in the assembly, service, and local industrial sectors. Fuel shortages led to power blackouts, limited, more costly public transportation, and serious ecological damage as Haitians cut trees for charcoal in an already eroded landscape. Medical care deteriorated under the embargoes, with hospitals in Port-au-Prince suspending most major surgery because of the lack of anesthetics and other drugs; there were also reports of outbreaks of measles and malaria, which were once well controlled in Haiti. According to a March 1994 AID report, “the nutritional status of children has worsened since March 1993 in every region except the South,” and severe malnutrition is “at the highest level in several years (with the exception of August 1993).”

Although U.S. assistance to the Haitian government was suspended after the September 30, 1991 coup, humanitarian assistance in the form of food and development assistance continued after the coup, with delivery through Private Voluntary Organizations (PVOs). For FY1993, approximately \$108 million was obligated, including \$41 million in food aid, \$23 million in development assistance, and \$44 million in ESF assistance. Obligations for FY1994 totaled \$105.6 million, including almost \$43 million in food aid, \$26 million in development assistance, and \$37 million in ESF. Estimated obligations for FY1995 totaled almost \$201 million and included \$15.5 million in ESF for peacekeeping. Shipments of humanitarian oil helped PVOs to deliver food and services under the U.N. oil embargo, although there were reports that many Haitians had

difficulty reaching those services with the reduced public transportation that resulted from the embargo.

Drug Trafficking

According to the Department of State, Haiti is a significant transshipment point for the movement of illegal narcotics, especially cocaine, into the United States. When President Aristide first took office, he said that combating drug trafficking was a top priority of his government. This was not true of the subsequent military current regime. According to a September 1992 State Department report, “although Haitian media and other sources have reported an upsurge in illicit drug traffic since late 1991, government counternarcotics efforts remain sporadic and focused on lower-echelon traffickers.” The U.S. aid cutoff suspended narcotics programs carried out with the Haitian government. The U.S. and Aristide government had signed an agreement providing for joint support of Haitian counternarcotics projects, but because of the coup this accord was not implemented.

Well-informed analysts say that some members at all levels of the military were involved in drug trafficking, and that this involvement contributed to the military’s reluctance to give up power and allow Aristide’s return. Despite these charges, the U.S. Drug Enforcement Administration was reportedly providing the Haitian military with intelligence on narcotics trafficking, including information on drugs going into Haiti to the Haitian anti-narcotics unit headed by army Col. Antoine Atouriste. Atouriste was among the 41 Haitians whose U.S. assets were frozen in 1993 for “obstructing the restoration of democracy in Haiti” or contributing to its general climate of violence. Reportedly, the anti-narcotics unit had no accounting system for seized drugs, and U.S. officials did not know what happened to drugs seized by the Haitian military. A U.S. official reportedly said that the U.S. embassy regularly received reports of Haitian military involvement in drug trafficking, but that they had not been verified.

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